UNITED STATES DISTRICT COURT ALBUQUERQUE, NEW MEXICO JUN 28 2007 Law Offices of 1 GREGORY D. D'ANTONIO P.O. Box 43306 2 Tucson, Arizona 85733-3306 MATTHEW J. DYKMAN gregorydantonio@aol.com 3 Arizona State Bar No. 004689 Telephone (702) 682-8353 CLERK 4 Attorney for Defendant Swentnickas 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEW MEXICO 7 8 Case Number: CR 05 1849 JH 9 UNITED STATES OF AMERICA, **UNOPPOSED** Plaintiff, 10 MOTION TO PERMIT TRAVEL 11 DANA JARVIS, et al., 12 Defendants. 13 14 Comes now the Defendant, SWENTNICKAS, and hereby moves the Court to 15 permit the Defendant to travel for summer visitation with his father in accordance 16 with the itinerary attached hereto as exhibit "1." This Motion is made pursuant to 17 18 U.S.C.A. sec. 3142 et seq., and 18 U.S.C.A. 3145 et seq. and is supported by 18 the accompanying Memorandum of Points and Authorities and proposed form of 19 Order. Pursuant to D.N.M.LR-Cr. 47, the terms and conditions of release set forth 20 in the proposed form of Order have been approved by counsel for the United 21 States of America, James Braun, and Pretrial services and this Motion has the 22 concurrence of the United States of America and Pretrial Services. 23 Submitted this 26th day of June, 2007. 24 25 GREGORY D. D'ANTONIO 26 Attorney for Defendant Swentnickas 27 28 -1-# 1028 6 124107

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Filed 06/28/0

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MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND FACTS

Thomas Benjamin Swentnickas, a single man, was previously ordered released from pre-trial confinement by this court. He is currently residing in Tucson, Arizona with his brother in law and his sister Marie Higgins. He is employed by his brother in law in his Native art business. In his unopposed motion to set conditions of release, the Defendant notified the court of his desire to pay his last respects to his father who is elderly and infirm.

In that regard, the Defendant requested permission to travel during the Christmas holidays to Connecticut and New York to visit is father and relatives from pre-trial services who agreed to his request. He also submitted his request to AUSA James Braun who also agreed to the request. The Court granted the request and the Defendant was able to visit with his father and family over the Christmas holidays. Traditionally the Defendant has also visited his father during the summer months during which time he also performs all needed maintenance to his father's home. Accordingly, the Defendant requests permission to travel in accordance with the attached itinerary.

II.

THE BAIL REFORM ACT PERMITS

THE COURT TO SET APPROPRIATE

CONDITIONS OF RELEASE

The court has broad latitude in setting conditions of release to include travel

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restrictions pursuant to 18 U.S.C. 3142 et seq. This Defendant has previously 1 been granted release an only requires that the court modify the travel restrictions 2 to permit the requested visits. 18 U.S.C.A. 3142 9 c. 3 4 Based upon th foregoing, the Defendant requests that the court enter an order 5 permitting travel in accordance with the itinerary submitted herewith in 6 accordance with the proposed form of Order submitted with this Unopposed 7 Motion. 8 9 10 GREGORY D. D'ANTONIO 11 Attorney for Defendant Swentnickas 12 CERTIFICATE OF SERVICE 13 I hereby certify that on June 26, 2007, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and 14 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: 15 United States Attorney 16 **AUSA James Braun PO Box 607** 17 Albuquerque, NM 87103 18 James.Braun@usdoj.gov 19 Stephen D. Aarons 20 PO Box 1027/300 Catron St 21 Santa Fe, NM 87504-1027 aar095@yahoo.com 22 Attorney for Matthew Hothan 23 24 Roberto Albertorio P.O. Box 91387 25 Albuquerque, NM 87199-1387 26 ralbertorio@cabq.gov Attorney for Lloyd Montoya 27 28

1 Zubair Aslamy 2 Aslamy, Workman & Carpenter, P.C. 3 1414 W. Broadway Road, Suite 122 Tempe, Arizona 85282 4 zaslamy@aslamylaw.com 5 Attorney for David Reid 6 Chuck Aspinwall 7 P.O. Box 984 8 Los Lunas, NM 87031-0984 legal eagle@comcast.net 9 Attorney for John Patrick Nieto 10 Jason Bowles 11 PO Box 25186 12 201 3rd NW, Ste. 1370 Albuquerque, NM 87125-5186 13 jason@bowlesandcrow.com 14 Attorney for George Ripley 15 Rudolph Chavez 16 2014 Central Ave., SW 17 Albuquerque, NM 87104 18 rbclaw@spinn.net Attorney for Rafal Mistrzak 19 20 Kari Converse 2001 Carlisle Blvd., NE, Ste. E 21 Albuquerque, NM 87110-4943 22 kariconverse@earthlink.net Attorney for Greg Hill 23 24 Robert Cooper 25 1011 Lomas Blvd. NW Albuquerque, NM 87102 26 bob@rrcooper.com 27

28

1	Attorney for Adrian Sanford
2	Scott Davidson
3	1011 Lomas Blvd. NW
4	Albuquerque, NM 87102
5	(505) 366-4797
ł	scott@smdappellatelaw.com
6	Motions for all CJA Defendants
7	Ken Gleria
8	1008 5th ST NW
9	Albuquerque, NM 87102
10	kgleria45@comcast.net or BLUEGHOST15@hotmail.com (Avery) Attorney for Holly Bruner
11	
12	Bob Gorence
13	201 12 ST NW
	Albuquerque, NM 87102 gorence@swcp.com
14	Attorney for Dennis Wilson
15	
16	Jerry D. Herrera
17	620 Roma Ave., NW
18	Albuquerque, NM 87102-2037 jdhcrimlaw@cs.com
19	Tanorinia w (e) 55.56m
20	Todd Hotchkiss
21	P.O. Box 26807
22	Albuquerque, NM 87125-6907 tbhotchkiss@earthlink.net
23	Attorney for Dakota Fitzner
24	
25	Kirtan K. Khalsa
	Fine Law Firm
26	812 Marquette, NW Albuquerque, NM 87102
27	***************************************
28	-5-

1	kkhalsa@thefinelawfirm.com				
2	Attorney for Sam Jones				
3	Martin Lopez III				
4	1500 Mountain Rd., NW				
·	Albuquerque, NM 87104-1359				
5	ML3LAW@aol.com or Jan5Her@aol.com				
6	Attorney for Geno Berthod				
7	Timothy M. Padilla				
8	Timothy M. Padilla & Associates				
9	1412 Lomas Blvd. NW				
_	Albuquerque, NM 87104-1236				
10	tmpad@juno.com or rhonda@lomaslawoffice.com				
11					
12	Attorney for Manuel Gil-Vasquez				
13	John Robbenhaar				
14	1011 Lomas NW				
15	Albuquerque, NM 87102				
13	jrobbenhaar@lomaslaw.com				
16	Ayla Jarvis				
17	Joe M. Romero Jr.				
18	1905 Lomas Blvd. NW				
19	Albuquerque, NM 87104-1207				
	joe@jromerolaw.com				
20	Attorney for Dana Jarvis				
21					
22	John Samore				
23	P.O. Box 1993				
	Albuquerque, NM 87103-1993 samoreJFM@aol.com				
24	Attorney for Melania Kirwin				
25	1 1 200 200 200 200 200 200 200 200 200				
26					
27	Ann Steinmetz				
28	-6-				

Box 4305
Albuquerque, NM 87196-4305
annstnmtz@aol.com
Attorney for Mary Cannant

S/_______
GREGORY D. D'ANTONIO
Attorney for Defendant

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II.S AIRWAYS

Confirmation

ED0T8Y

Date Issued

6/22/2007

Form of Payment Visa ****-****-9377

Grand Total

\$10.00

Unflown Value

\$10.00

Passenger Information

Party of (1)

Airline Partner

Dividend Miles #

Ticket #

Seats

BENJAMINT SWENTNICKAS

US Airways

04475171379

03721388696314

If you have selected an exit row, please view Emergency exit row/Airport check in kiosk notice

Contact Information

Passancer Hinerary

Contact Name

Phoenix, AZ

Day Phone

Destination Phone

BENJAMINT SWENTNICKAS

(520) 495-9370

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D	epart		Arrive	
(a.	45 BM 07	I.m. 2007	0.00 011 07	t

Hartford/Springfield, CT Phoenix, AZ

2:00 PM 27 Jun 2007 Fliaht: 2733 **1:35 PM 27 Jun 2007** Phoenix, AZ Tucson, AZ 4:00 PM 27 Jun 2007

Flight: 418 11:40 PM 27 Jun 2007 Hartford/Springfield, CT

Flight: 419

On-Time: 60-70% Airbus A319 On-Time: 90-100%

On-Time: 90-100%

🎗 Airbus A319 🛝

Canadair Regional Jet

Flight # and Details

Travel Time: 0 h 45 m Meal: Lunch Travel Time: 4 h 40 m

Meal: None

Meal: Breakfast Travel Time: 5 h 24 m

10:06 AM 09 Aug 2007 10:55 AM 09 Aug 2007 Phoenix, AZ

6:20 AM 09 Aug 2007

Tucson, AZ

8:44 AM 09 Aug 2007

Fliaht: 2979

Canadair Regional Jet 900 On-Time: 90-100%

Meal: None Travel Time: 0 h 49 m

Plight operated by America West Airlines

Flight operated by Mesa Airlines doing business as America West Express

Summary (1 Passenger)

Base Fare

Taxes and Fees

\$0.00

Grand Total

\$10.00 \$10.00

Terms and Conditions

 We're sorry, the Terms and Conditions for this reservation cannot be displayed at this time. Please contact the Internet Support team at 800-327-7810 with questions regarding your reservation.

Travel Tips

June 2007 — New passport exception

The State Department issued an exception to passport requirements for travel between the United States and Canada, Mexico, the Caribbean and Bermuda.

If you have applied for, but not yet received your passport, you can travel to and from Canada, Mexico, the Caribbean and Bermuda through September 30, 2007 as long as you show:

- a government issued ID
- Birth certificate
- Department of State official proof of application for a passport

Check with the State Department for more information.